

PTO/SB/21 (04-07)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

Patent#: 7,223,741

Filing Date

Issued: May 29, 2007

First Named Inventor

Arthur M. Krieg

Art Unit

1633

Examiner Name

F. J. L. Epps

Attorney Docket Number

C1039.70077US00

ENCLOSURES (Check all that apply)

- ☐ Fee Transmittal Form
- ☐ Fee Attached
- ☐ Amendment/Reply
- ☐ After Final
- ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/Incomplete Application
- ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____
- ☐ Landscape Table on CD

- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please identify below):

Application for Patent Term Adjustment Under 37 CFR 1.705
Check in the amount of \$200.00
Exhibits 1-6
Return Receipt Postcard

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	WOLF, GREENFIELD & SACKS, P.C.		
Signature			
Printed name	Helen C. Lockhart		
Date	July 30, 2007	Reg. No.	39,248

Certificate of Mailing Under 37 CFR 1.8(a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: July 30, 1007

Signature: (Sharon R. Lloyd)



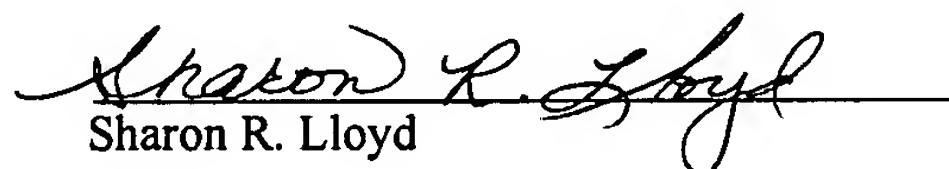
DOCKET NO.: C1039.70077US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Krieg et al.
Patent No.: 7,223,741
Serial No.: 10/619,279
Confirmation No.: 8248
Filed: July 14, 2003
For: IMMUNOSTIMULATORY NUCLEIC ACID MOLECULES
Examiner: Janet L. Epps Ford
Art Unit: 1633

CERTIFICATE OF MAILING UNDER 37 CFR §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 30th day of July, 2007.


Sharon R. Lloyd

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR §1.705

Sir:

Applicant files this Application for Patent Term Adjustment under 37 CFR §1.705(d), requesting reconsideration of the patent term adjustment (PTA) determination for U.S. Patent No. 7,223,741 (the "741 Patent"). Applicant provides, below, a statement of the facts involved, specifying the correct PTA and the basis under 37 CFR §1.702 for the adjustment, the relevant dates for which the adjustment is sought, and the adjustment to which the patent is entitled.

1. On May 9, 2007, the United States Patent and Trademark Office (USPTO) mailed Applicant an Issue Notification and Determination of Patent Term Adjustment (Exhibit 1) for U.S. Patent No. 7,223,741, which indicated that the '741 Patent was entitled to a patent term adjustment of 411 days.

2. According to the Patent Term Adjustments page (Exhibit 2) on the Patent Application Information Retrieval (PAIR) system, the USPTO accorded the '741 Patent a patent term adjustment of 580 days for delays that occurred at the USPTO and reduced the PTA by 169 days for delays that Applicant allegedly incurred.

3. The Patent Term Adjustments page indicates that 114 days of the 169-day reduction of PTA was allegedly due to Applicant filing 3 papers following the Notice of Allowance.

4. According to the Patent Term Adjustments page on PAIR, the USPTO reduced the PTA of the '741 Patent by 8 days because Applicant filed a "Miscellaneous Incoming letter," which the USPTO received on February 5, 2007.

5. The Miscellaneous Incoming letter was a written "Summary of Examiner Interview" (Exhibit 3), which documented the substance of a phone call that Applicant received from the Examiner.

6. Following the phone call, the Examiner prepared an Interview Summary on Form PTOL-413 (Exhibit 4) which indicated that agreement had been reached with respect to claims 60 and 61. The Interview Summary, which accompanied the Notice of Allowance, expressly requested that Applicant file a statement of the substance of the interview:

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

See Form PTOL-413 (emphasis in original).

7. According to 37 CFR §1.704(c)(10), submission of "an amendment under 37 CFR §1.312 or other paper after a notice of allowance has been given or mailed" may cause a reduction in PTA, depending on the nature of the "other paper."

8. The MPEP 2700-21 (8th ed, Aug. 2006) indicates that “[c]ertain papers filed after allowance are not considered to be a failure to engage in reasonable efforts to conclude processing or examination of an application[,]” including fee transmittals, power of attorney, power to inspect, change of address, change of status, a response to the examiner’s reasons for allowance, and letters related to government interests.

9. Although not specifically included in the list of papers that are not considered to be a failure to engage in reasonable efforts to conclude processing or examination of an application, Applicant’s submission of the Summary of Examiner Interview is similar to the submission of a response to the examiner’s reasons for allowance, and therefore should not trigger a PTA reduction under 37 CFR §1.704(c)(10).

10. Like a response to the examiner’s reasons for allowance, Applicant filed the Summary in response to a paper (Form PTOL-413) in which the Examiner commented on substantive discussions that led to the allowance of certain claims. In addition, like a response to the examiner’s reasons for allowance, Applicant’s submission of the Summary was filed prior to the payment of the issue fee and did not require any action on the part of the USPTO. Since the Summary is similar to a response to the examiner’s reasons for allowance, the PTA should not be reduced by 8 days.

11. Furthermore, Applicant’s submission of the Summary of Examiner Interview should not result in a reduction of PTA under 37 CFR §1.704(c)(8) because the Summary falls under an express exception to the rule. According to 37 CFR §1.704(c)(8), submission of a “supplemental reply *other than* a supplemental reply or other paper *expressly requested by the Examiner*” will cause a reduction in PTA (emphasis added).

12. Applicant’s submission of the Summary of Examiner Interview falls under the exception to the reduction of PTA because Applicant filed the Summary in response to receipt of Form PTOL-413 from the examiner, which expressly requested that Applicant file a statement of the substance of the interview. Since Applicant’s filing of the Summary of Examiner Interview

falls under the exception to the reduction of PTA under 37 CFR §1.704(c)(8), the PTA should not be reduced by 8 days.

13. According to the Patent Term Adjustments page on PAIR, the USPTO also reduced the PTA of the '741 Patent by 48 days due to a Request for Foreign Priority, which the USPTO received on February 13, 2007.

14. Applicant did not file a Request for Foreign Priority or any other paper that the USPTO received on February 13, 2007. After filing the Summary of Examiner Interview, which the USPTO received on February 5, 2007, the next paper which Applicant filed was the Request for PTA Reconsideration, which the USPTO entered on February 26, 2007.

15. Applicant submits that the entry in PAIR of the Request for Foreign Priority was an error on the part of the USPTO. Accordingly, the USPTO should not have reduced the PTA of the '741 Patent by 48 days.

16. According to the Patent Term Adjustments page on PAIR, the USPTO also reduced the PTA of the '741 Patent by 58 days due to submission of Drawings which the USPTO received on April 2, 2007.

17. On March 20, 2007, the USPTO mailed a request for corrected drawings (Exhibit 5). Applicant responded to that request by submitting a copy of drawings that were of record in parent patent application 08/960774, which has issued as U.S. Patent No 6,239,116 (Exhibit 6).

18. Applicant submits that the submission of Drawings involved only the submission of a paper that was of record in the parent application. Accordingly, the PTA of the '741 patent should not have been reduced by 58 days.

19. Furthermore, even if it were proper to reduce the patent term adjustment for submission of the Drawings after the Notice of Allowance was mailed, Applicant submits that the reduction should have been no more than 22 days.

20. According to 37 CFR §1.704(c)(10), the “[p]eriod of adjustment (credits) shall be reduced where applicant submits an amendment under 37 CFR 1.312 or other paper after a notice of allowance has been given or mailed, (i) for the period beginning on the date the amendment or other paper was filed and ending on the mailing date of the Office action or notice in response to the amendment or such other paper; or (ii) 4 months, whichever is less.”

21. The USPTO received the Drawings on April 2, 2007 and noted in the Patent Term Adjustments page on PAIR that the application was “Dispatch[ed] to FDC” on April 23, 2007. According to the “Glossary” (Exhibit 7) published on the USPTO website, “FDC” refers to “Final Data Capture,” which means that “[o]nce the fee, any correspondence, and/or drawings are matched with the application and all requirements have been met for issuance as a patent, the application is then forwarded to the Final Data Capture (FDC) stage of the process. An “Issue Notification” would be the next step in the processing of a patent and is mailed approximately 3 weeks prior to the issue date of the patent”

22. Applicant submits that the Dispatch to FDC serves as the “mailing date of the Office action or notice in response to the amendment or such other paper” under 37 CFR §1.704(c)(10), and therefore, any reduction of PTA should be at most 22 days—the period between the USPTO’s receipt of the Drawings on April 2, 2007 and the indication in PAIR that the application was dispatched to FDC on April 23, 2007.

23. A terminal disclaimer was not filed in this case and the ’741 Patent is not subject to a terminal disclaimer.


Conclusion

Applicant provided, above, a statement of the facts involved, specifying the correct patent term adjustment and the basis under 37 CFR §1.702 for the PTA, relevant dates for which the adjustment is sought, and the adjustment to which the patent is entitled. Applicant has also indicated that the patent is not subject to a terminal disclaimer.

In view of the fact that: 1) the Summary of Examiner Interview is analogous to a response to the examiner's reasons for allowance and was filed in response to an express request by the Examiner in Form PTOL-413; 2) the filing of the Foreign Priority Document was an error in the USPTO records and was not a true submission; and 3) the filing of the Drawings constituted a submission that was of record in the parent application, Applicant submits that the PTA of the '741 Patent should not have been reduced 114 days for actions occurring after the Notice of Allowance was mailed. Reduction in PTA of the '741 Patent for actions occurring after the Notice of Allowance, if any, should have been at most 22 days—the period between the USPTO's receipt of the Drawings and the date the application was dispatched to FDC. Applicant respectfully requests correction of the PTA from 411 days to 525 days or to 503 days.

Applicant submits the fee of \$200.00 for filing an application for patent term adjustment as set forth in 37 CFR §1.18(e). If there is an additional fee occasioned by this application and request that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

By: 
Helen C. Lockhart, Ph.D., Reg. No.: 39,248
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
Telephone: (617) 646-8000

Docket No.: C1039.70077US00
Date: July 30, 2007



UNITED STATES PATENT AND TRADEMARK OFFICE

EXHIBIT 1

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,279	05/29/2007	7223741	C1039.70077US00	8248

7590

05/09/2007

Helen C. Lockhart
Wolf, Greenfield & Sacks, P.C.
Federal Reserve Plaza
600 Atlantic Avenue
Boston, MA 02210

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ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment is 411 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

Arthur M. Krieg, Wellesley, MA;

	Initials
Confirmation	<input type="checkbox"/>
Docketing	<input checked="" type="checkbox"/> EG

HCL

DOCKETED
MAY 15 2007

RECEIVED

E MAY 14 2007

Wolf, Greenfield & Sacks, P.C.
Docketing Dept.

EXHIBIT 2

10/619,279

IMMUNOSTIMULATORY NUCLEIC ACID MOLECULES

05-15-
2007::10:56:24**Patent Term Adjustments**

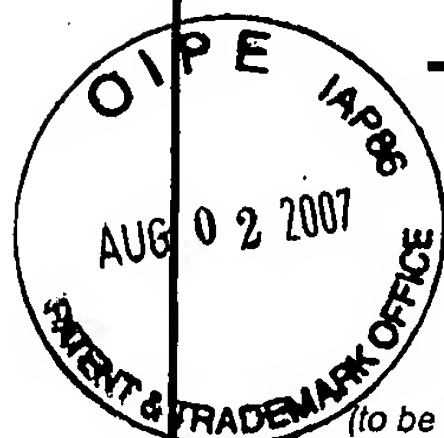
Patent Term Adjustment (PTA) for Application Number: 10/619,279

Filing or 371(c) Date:	07-14-2003	USPTO Delay (PTO) Delay (days):	580
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL) Delay (days):	169
Post-Issue Petitions (days):	+0	Total PTA (days):	411
USPTO Adjustment(days):	+0	Explanation Of Calculations	

Patent Term Adjustment History

Date	Contents Description	PTO(Days)	APPL(Days)
05-09-2007	PTA 36 Months		
04-23-2007	Dispatch to FDC		
04-02-2007	Workflow - Drawings Finished		58
04-16-2007	Petition Decision - Dismissed		↑
03-19-2007	Miscellaneous Communication to Applicant - No Action Count		↑
03-02-2007	Application Is Considered Ready for Issue		↑
02-26-2007	Petition Entered		↑
02-09-2007	Issue Fee Payment Verified		↑
02-23-2007	Issue Fee Payment Received		↑
02-05-2007	Miscellaneous Incoming Letter		8
02-13-2007	Acknowledgement of Priority Papers		↑
02-13-2007	Request for Foreign Priority (Priority Papers May Be Included)		48
02-09-2007	Sequence Forwarded to Pubs on Tape		↑
01-24-2007	Mail Notice of Allowance		↑
01-24-2007	Mail Examiner's Amendment		↑
01-24-2007	Mail Examiner Interview Summary (PTOL - 413)		↑
01-03-2007	Examiner Interview Summary Record (PTOL - 413)		↑
01-12-2007	Examiner's Amendment Communication		↑
01-12-2007	Notice of Allowance Data Verification Completed		↑
10-10-2006	Information Disclosure Statement considered		↑
10-19-2006	Oath or Declaration Filed (Including Supplemental)		↑
10-27-2006	Date Forwarded to Examiner		↑
10-19-2006	Response after Non-Final Action		↑
10-10-2006	Reference capture on IDS		↑
10-10-2006	Information Disclosure Statement (IDS) Filed		↑
10-18-2006	Mail Examiner Interview Summary (PTOL - 413)		↑
10-13-2006	Examiner Interview Summary Record (PTOL - 413)		↑
09-21-2006	Mail Non-Final Rejection	12	
09-18-2006	Non-Final Rejection	↑	
01-08-2004	Information Disclosure Statement considered	↑	
07-12-2006	Date Forwarded to Examiner	↑	

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	10/619,279-Conf. #8248
		Filing Date	July 14, 2003
		First Named Inventor	Arthur M. Krieg
		Art Unit	1633
		Examiner Name	F. J. L. Epps
Total Number of Pages in This Submission	3	Attorney Docket Number	C1039.70077US00

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Summary of Examiner Interview
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	Return Receipt Postcard
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	WOLF, GREENFIELD & SACKS, P.C.		
Signature			
Printed name	Helen C. Lockhart		
Date	February 2, 2007	Reg. No.	39,248

Certificate of Mailing Under 37 CFR 1.8(a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: February 2, 2007

Signature:

(Sharon R. Lloyd)

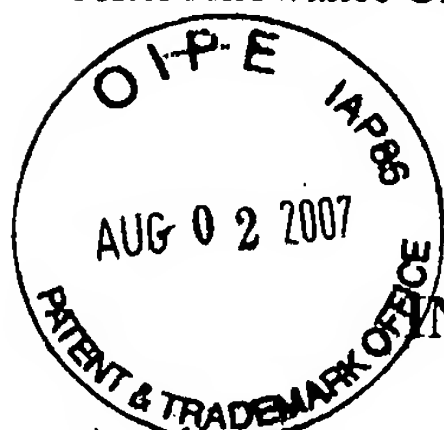
07-03-2006	Supplemental Response		55
01-08-2004	Reference capture on IDS		↑
01-08-2004	Information Disclosure Statement (IDS) Filed		↑
05-15-2006	Date Forwarded to Examiner		↑
05-09-2006	Response to Election / Restriction Filed		↑
04-05-2006	Mail Restriction Requirement	568	
03-20-2006	Case Docketed to Examiner in GAU	↑	
03-20-2006	Requirement for Restriction / Election	↑	
03-20-2006	Case Docketed to Examiner in GAU	↑	
06-28-2005	Case Docketed to Examiner in GAU	↑	
01-09-2004	Information Disclosure Statement (IDS) Filed	↑	
03-09-2004	Case Docketed to Examiner in GAU	↑	
02-17-2004	Reference capture on IDS	↑	
02-13-2004	IFW TSS Processing by Tech Center Complete	↑	
07-14-2003	Information Disclosure Statement (IDS) Filed	↑	
11-12-2003	Preliminary Amendment	↑	
07-14-2003	Preliminary Amendment	↑	
01-08-2004	Information Disclosure Statement (IDS) Filed	↑	
01-30-2004	Application Is Now Complete	↑	
01-29-2004	Application Return from OIPE	↑	
01-29-2004	Application Return TO OIPE	↑	
01-29-2004	Application Dispatched from OIPE	↑	
01-29-2004	Application Is Now Complete	↑	
10-31-2003	Payment of additional filing fee/Preexam	↑	
10-31-2003	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic	↑	
10-20-2003	Notice Mailed--Application Incomplete--Filing Date Assigned	↑	
10-07-2003	Cleared by OIPE CSR	↑	
08-15-2003	IFW Scan & PACR Auto Security Review	↑	
07-30-2003	CRF Is Good Technically / Entered into Database	↑	
07-14-2003	CRF Disk Has Been Received by Preexam / Group / PCT	↑	
07-14-2003	Initial Exam Team nn	↑	

[Close Window](#)

Application No. 10/619,279
Amendment dated February 2, 2007
After Allowance Under 37 C.F.R. 1.312

1

Docket No.: C1039.70077US00



Docket No.: C1039.70077US00
(PATENT)

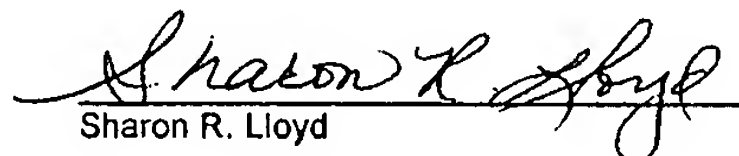
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Arthur M. Krieg
Serial No.: 10/619,279
Confirmation No.: 8248
Filed: July 14, 2003
For: IMMUNOSTIMULATORY NUCLEIC ACID MOLECULES
Examiner: Epps Ford, Janet L.

Certificate of Mailing Under 37 CFR 1.8(a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: February 2, 2007


Sharon R. Lloyd

SUMMARY OF EXAMINER INTERVIEW

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the telephonic interview between Examiner Epps-Ford and Applicants' representative on January 3, 2007, please enter the attached remarks.

REMARKS

Summary of Telephone Interview with Examiner Epps-Ford

Applicant's representative conducted a telephone interview with Examiner Epps-Ford on January 3, 2007. Proposed Examiner amendments to claims 60-61 were discussed and Applicant has agreed to the proposed amendments. As a result of the interview, claims 42-45, 51, 58-61 and 74 are now allowed.

Applicant very much appreciates the Examiner's willingness to discuss the amendments with Applicants' representative in the telephonic interview of January 3, 2007.

Dated: February 2, 2007

Respectfully submitted,

By 

Helen C. Lockhart

Registration No.: 39,248

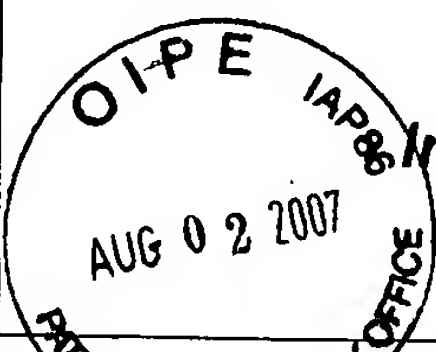
WOLF, GREENFIELD & SACKS, P.C.

Federal Reserve Plaza

600 Atlantic Avenue

Boston, Massachusetts 02210-2206

(617) 646-8000

 Interview Summary	Application No.	Applicant(s)	
	10/619,279	KRIEG, ARTHUR M.	
	Examiner	Art Unit	
	Janet L. Epps-Ford	1633	

All participants (applicant, applicant's representative, PTO personnel):

(1) Janet L. Epps-Ford.

(3) _____

(2) Helen C. Lockhart.

(4) _____

Date of Interview: 03 January 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.
If Yes, brief description: _____

Claim(s) discussed: 60 and 61.

Identification of prior art discussed: _____

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

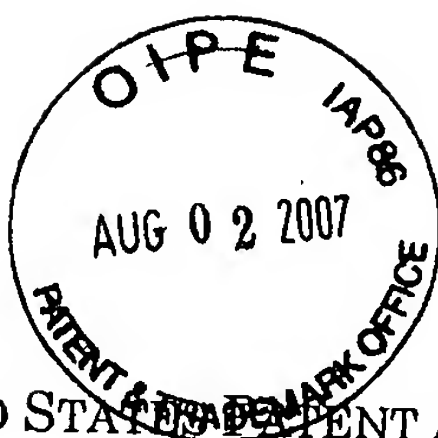
Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicants agreed to the proposed examiner's amendment to claims 60-61.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Helen C. Lockhart
Wolf, Greenfield & Sachs, P.C.
Federal Reserve Plaza
600 Atlantic Avenue
Boston, MA 02210

Application No. : 10/619,279
Applicant : Kreig
Filing Date : 7/14/03
Date Mailed : 3/20/07

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Notice of Allowance Mailed

This application has been accorded an Allowance Date and is being prepared for issuance. The application, however, is incomplete for the reasons below.

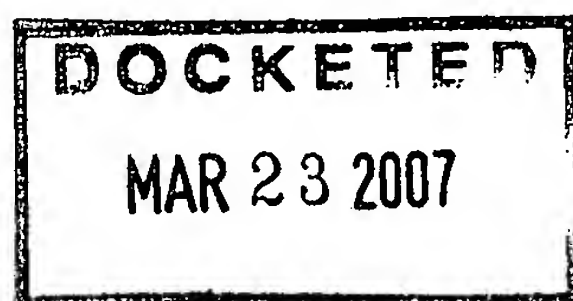
Applicant is given 60 days from the mail date of this Notice within which to correct the informalities indicated below. If the informality pertains to the abstract, specification (including claims) or drawings, the informality must be corrected with an amendment in compliance with 37 CFR 1.121 (or, if the application is a reissue application, 37 CFR 1.173). Such an amendment may be filed after payment of the issue fee if limited to correction of informalities noted herein. See Waiver of 37 CFR 1.312 for Documents Required by the Office of Patent Publication, 1280 Off. Gaz. Patent Office 918 (March 23, 2004). In addition, if the informality is not corrected until after payment of the issue fee, for purposes of 35 U.S.C. 154(b)(1)(iv), "all outstanding requirements" will be considered to have been satisfied when the informality has been corrected. A failure to reply will result in the application being ABANDONED. This period for reply is NOT extendable under 37 CFR 1.136(a).

See attachment.

A copy of this notice MUST be returned with the reply. Please address response to "Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450".

Dale G. Olson

Dale G. Olson
Office of Patent Publication
Phone: 703-308-9250 ext.122



C1039.4007714500

Confirmation	<input type="checkbox"/>	Initials
Docketing	<input checked="" type="checkbox"/>	<i>Ca</i>

05/19/07 No & +
HCL

Application No. 10/619,279

Drawings filed 7-14-03

IDENTIFICATION OF DRAWING DEFICIENCIES

- ☐ There is a hole or the image thereof within the illustration. FIG(s) _____
- ☒ The character of the lines, numbers and letters is poor. FIG(s) 8A, 8B
- ☐ The illustration is penetrated or traversed by a solid or broken line that is not intended to be part of the drawing, such as a dark line caused by a flaw in the copying process. FIG(s) _____
- ☐ An ink stamp or an image obscures part of the illustration. FIG(s) _____
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- ☐ The drawing's background shows that the original drawing was made on graph paper or other paper with a pattern or decoration. FIG(s) _____
- ☐ The FIG. number label is placed in a location that causes the drawing to be read upside down. FIG(s) _____
- ☒ Data, a reference number, or part of the drawing is truncated or missing. FIG(s) 8B
- ☐ The drawing is continued onto a second page (or more) without proper labeling under 37 CFR 1.84(u)(1). FIG(s) _____
- ☐ The drawing and/or the FIG. label contain(s) foreign language. FIG(s) _____
- ☐ Color drawings are present in this application but the following 37 CFR 1.84(a) requirements have not been met*:
- ☐ Petition filed
 - ☐ Petition fee
 - ☐ 3 sets of color drawings
 - ☐ Color drawing paragraph

*If color drawings are not elected, then applicant **must respond** so stating. Also, references to color drawings in the specification, if any, must be amended.

COMMENTS:

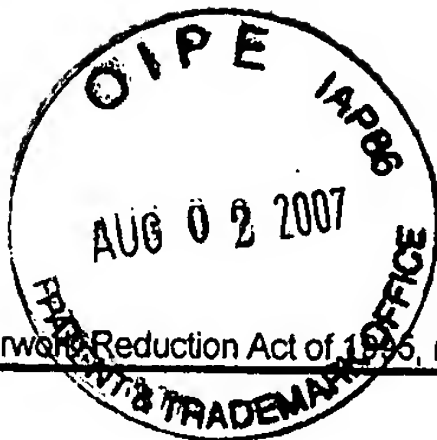


EXHIBIT 6

PTO/SB/21 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/619,279-Conf. #8248	
	Filing Date	July 14, 2003	
	First Named Inventor	Arthur M. Krieg	
	Art Unit	1633	
	Examiner Name	F. J. L. Epps	
Total Number of Pages in This Submission		Attorney Docket Number	C1039.70077US00

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Drawing(s) (19 replacement sheets, FIGS. 1A-15) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Response to Notice to File Corrected Application Papers Copy of Notice to File Corrected Application Papers Return Receipt Postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	WOLF, GREENFIELD & SACKS, P.C.		
Signature			
Printed name	Helen C. Lockhart		
Date	March 30, 2007	Reg. No.	39,248

Certificate of Mailing Under 37 CFR 1.8(a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: March 30, 2007Signature: Sharon R. Lloyd (Sharon R. Lloyd)



Docket No.: C1039.70077US00
(PATENT)

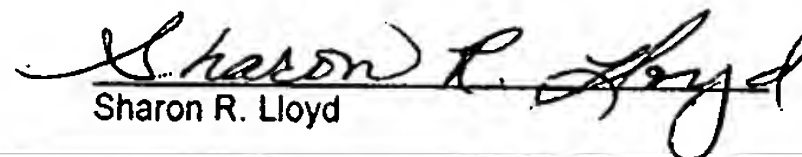
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Arthur M. Krieg
Serial No.: 10/619,279
Confirmation No.: 8248
Filed: July 14, 2003
For: IMMUNOSTIMULATORY NUCLEIC ACID MOLECULES
Examiner: F. J. L. Epps
Art Unit: 1633

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Dated: March 30, 2007


Sharon R. Lloyd

RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Submitted herewith is one set (nineteen sheets, FIGS. 1A - 15) of corrected drawings for filing in the above-identified Patent application.

The Examiner objected to the drawings for reasons stated in the Office Action dated March 20, 2007. Specifically, in Figures 8A and 8B the character of the lines, number and letters is poor, the drawings are marred and in Figure 8B the data, reference number or part of the drawing is truncated or missing. The enclosed new drawings correct these informalities.

Favorable consideration of the enclosed drawings is respectfully requested.

Dated: March 30, 2007

Respectfully submitted,

By 

Helen C. Lockhart

Registration No.: 39,248

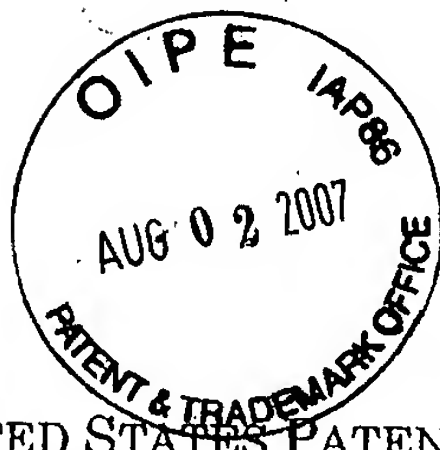
WOLF, GREENFIELD & SACKS, P.C.

Federal Reserve Plaza

600 Atlantic Avenue

Boston, Massachusetts 02210-2206

(617) 646-8000



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Helen C. Lockhart
Wolf, Greenfield & Sachs, P.C.
Federal Reserve Plaza
600 Atlantic Avenue
Boston, MA 02210

Application No. : 10/619,279
Applicant : Kreig
Filing Date : 7/14/03
Date Mailed : 3/20/07

NOTICE TO FILE CORRECTED APPLICATION PAPERS

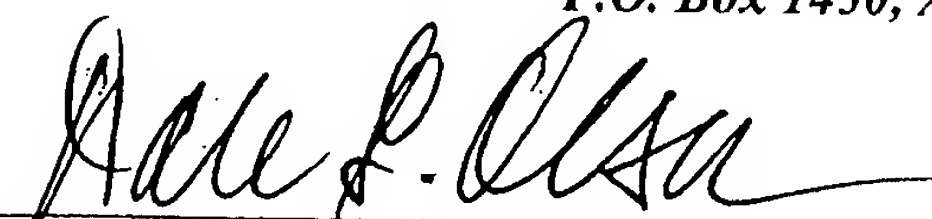
Notice of Allowance Mailed

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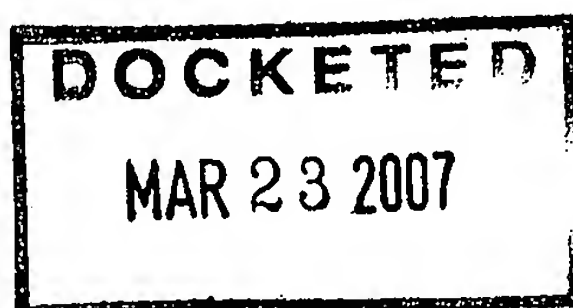
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See attachment.

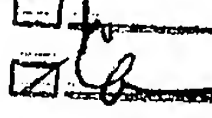
*A copy of this notice **MUST** be returned with the reply. Please address response to "Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450".*



Dale G. Olson
Office of Patent Publication
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C1039.400714300

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Docketing	<input checked="" type="checkbox"/>	

05/19/07 No & +
HCL

Application No.

10/619,279

Drawings filed

7-14-03

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COMMENTS: